

Order

Michigan Supreme Court
Lansing, Michigan

March 21, 2012

Robert P. Young, Jr.,
Chief Justice

144072 (80)(85)

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

ITALO PARISE,
Plaintiff-Appellant,

v

SC: 144072

DETROIT ENTERTAINMENT, L.L.C.,
Defendant-Appellee.

On order of the Court, the motion for full-Court review of the motion to disqualify Chief Justice YOUNG and Justice MARY BETH KELLY is considered, and it is GRANTED. Upon full-Court consideration of the plaintiff's motion, we DENY the motion for the reason that no justice is persuaded that there is any ground for the disqualification of Chief Justice YOUNG or Justice MARY BETH KELLY.

YOUNG, C.J. I deny plaintiff's renewed motion seeking my disqualification. I deny plaintiff's additional claim regarding the alleged donations made to Candice Miller for Congress, followed by Candice Miller for Congress' alleged donations to the Michigan Republican Party, followed by the alleged donation by the Michigan Republican Party to my Supreme Court campaign in 2010. Even if true, this new allegation is one degree of separation *further* than the subject matter of the previous motion for disqualification. Accordingly, it too is insufficient to give rise to an appearance of impropriety. Moreover, plaintiff's allegations regarding professional and consulting relationships, even if true, are too attenuated to give rise to an appearance of impropriety. Plaintiff still does not claim that I am actually biased for or against either party in this matter. Because I am not biased for or against either party in this matter, I deny plaintiff's motion seeking my disqualification.

I do not participate in the order or the full Court's decision on the motion for disqualification of another justice, pursuant to MCR 2.003(D)(3)(b), for the reasons

stated in my November 25, 2009, dissent from the rule's promulgation¹ and in my March 31, 2010, statement of nonparticipation in a similar motion in *Pellegrino v Ampco Systems Parking*.² I believe that rule to have serious constitutional flaws.

¹ See 485 Mich cxxx, clxvii-clxxxv (YOUNG, J., dissenting).

² 485 Mich 1134, 1155-1165 (2010) (YOUNG, J., not participating).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 21, 2012

A handwritten signature in cursive script that reads "Corbin R. Davis".

Clerk